

REMARKS

Responsive to the lack of unity determination imposed in the Official Action mailed February 13, 2008, applicants provisionally elect Group III, with traverse.

As to the election of species requirement, applicants provisionally elect compound 6 from the first election of species requirement, with traverse.

It is believed that claims 35-37, 39, 41 and 43 read on the elected species.

The grounds for traverse are that the lack of unity determination is improper as a matter of law.

PCT Rule § 13.1 states, "The international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ("requirement of unity of invention")". PCT Rule § 13.2 provides that "Where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule § 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art". In other words, the requirement is art-based.

However, applicants submit that the Official Action fails to satisfy the requirements of PCT Rule § 13.1 and PCT Rule § 13.2.

The applicants respectfully note that BENITO et al. (*Journal of the American Chemical Society*, **2004**, 126, 10355-10363) was published by the inventors of the present application, after the priority date of the present application. Applicants attach herewith an English translation of the priority application, and a verification of the English translation. As a result, applicants submit that BENITO fails to qualify as prior art. Accordingly, applicants respectfully submit that the Official Action fails to satisfy the requirements of PCT Rules 13.1 and 13.2.

Indeed, the cyclodextrin dimmer corresponding to the general formula (I) could be considered as the common technical feature, and all the claims in their full scope should be considered to be of a single general inventive concept.

Thus, in view of the above, applicants respectfully submit that the lack of unity determination is improper as a matter of law. As a result, applicants respectfully request the search and examination of all the claims in their full scope.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

Philip DuBois

Philip DuBois, Reg. No. 50,696
209 Madison Street, Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

PD/fb